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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DENNIS KYNE, DUSTIN Langley, CHARLES DUNCAN, DANIEL GROSS, JOHN FRANCIS MULLIGAN, AMBER TEJADA, STEPHANE LAHOUD, and JULIEN BOISVERT,

Plaintiffs,

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

-against-

THE CITY OF NEW YORK, a municipal entity; THE HUDSON RIVER PARK TRUST, a joint City-State body; REPUBLICAN NATIONAL COMMITTEE; REPUBLICAN NATIONAL CONVENTION HOST COMMITTEE; PAUL WOLFOWITZ, DEPUTY SECRETARY OF THE UNITED STATES DEPARTMENT OF DEFENSE; THOMAS RIDGE, SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY; STEPHEN G. HUGHES, UNITED STATES SECRET SERVICE SPECIAL AGENT; ROBERT MUELLER, DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION; CONNIE FISHMAN, HRPT PRESIDENT; ROLAND BETTS, RNCHC CO-VICE CHAIR; MAYOR MICHAEL BLOOMBERG; MARTIN HORN, NYCDOC COMMISSIONER; RAYMOND KELLY, NYPD COMMISSIONER; STEPHEN L. HAMMERMAN, NYPD DEPUTY COMMISSIONER OF LEGAL MATTERS; THOMAS DOEPFNER, NYPD ASSISTANT DEPUTY COMMISSIONER LEGAL MATTERS; NYPD DEPUTY INSPECTOR KERRY SWEET, LEGAL BUREAU ECECUTIVE OFFICER; NYPD LEGAL BUREAU SENIOR COUNSEL RUBY MARIN-JORDAN; NYPD LEGAL BUREAU SUPERVISORS AT PIER 57; DAVID COHEN, NYPD DEPUTY COMMISSIONER OF INTELLIGENCE; BRUCE H. SMOLKA, ASSISTANT CHIEF, NYPD MANHATTAN SOUTH TASK FORCE; THOMAS GRAHAM, COMMANDER, NYPD DISORDER CONTROL UNIT; JOHN J. COLGAN, EXECUTIVE OFFICER, NYPD COUNTER-TERRORISM BUREAU; JAMES O'NEILL AND JAMES CAPALDO, NYPD DEPUTY INSPECTORS; RONALD MERCANTE, CAPTAIN, NYPD PATROL BORO BRONX SOUTH TASK FORCE; EUGENE MONTCHAL, CAPTAIN BRONX NARCOTICS; DANIEL ALBANO, LIEUTENANT, NYPD LEGAL BUREAU; NYPD SERGEANT EDWARD MURPHY, PATROL BORO BRONX ANTI-CRIME UNIT, SHIELD NO. 1502; NYPD SERGEANT MICHAEL HOLMES; NYPD SERGEANT "BLUE"; NYPD PATROL BORO BRONX SOUTH TASK FORCE OFFICER MATTHEW WOHL, SHIELD NO. 6956; NYPD PATROL BORO BRONX SOUTH FORCE TASK FORCE OFFICER GLENN HUDECEK, SHIELD NO. 18059; NYPD PATROL BORO BRONX SOUTH FORCE TASK FORCE OFFICER MICHAEL DECKERT, SHIELD NO. 27304; NYPD OFFICER JOHN MARTINEZ, 112th PRECINCT, SHIELD NO. 23496; UNIDENTIFIED NYPD AGENTS JOHN AND JANE DOES; and UNIDENTIFIED RICHARD AND MARY ROE FEDERAL, STATE, AND/OR CITY LAW ENFORCEMENT AGENTS, INCLUDING ONE SUCH "MARY ROE" INDIVIDUAL, individually and in their official capacities, jointly and severally.

Defendants.

06 CV 2041 (RJS) (JCF)

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WHEREAS, plaintiffs Dennis Kyne, Dustin Langley, and Charles Duncan, commenced this action on or about March 15, 2006 in the Southern District of New York by filing a complaint alleging that defendants violated Plaintiffs' civil and common law rights (the "Complaint"); and

WHEREAS, an Amended Complaint was filed on or about June 15, 2007 adding as plaintiffs Daniel Gross, John Francis Mulligan, Amber Tejada, Stephane Lahoud, and Julien Boisvert (collectively, with Dennis Kyne, Dustin Langley and Charles Duncan, "Plaintiffs"); and a Second Amended Complaint was filed on or about August 31, 2007; and

WHEREAS, this action is one of many actions stemming from activities during the 2004 Republican National Convention in New York City and consolidated for discovery before Magistrate Judge James C. Francis IV and pending before District Judge Richard J. Sullivan (the "RNC Cases"); and

WHEREAS, defendants The City of New York ("NYC"), the New York City Police Department ("NYPD"), the New York City Department of Corrections ("NYCDOC"), the Hudson River Park Trust ("HRPT"), Connie Fishman, the Republican National Convention Host Committee ("RNCHC"), NYC Mayor Michael Bloomberg, Martin Horn, Jorge Ocasio, Raymond Kelly, Joseph Esposito, Stephen L. Hammerman, Bruce H. Smolka, Thomas Graham, Terrence Monahan, John J. Colgan, The Republican National Committee; David Cohen, James O'Neill, Michael Holmes, Glenn Hudacek, Michael Deckert, The New York City Host Committee 2004, Thomas Doepfner, Kerry Sweet, Ruby Marin-Jordan, NYPD Legal Bureau Supervisors at Pier 57, James Capaldo, Eugene Montchal, Charles DeRienzo, Ronald Mercandetti, John Scolaro, Christopher Ambrose, Daniel Albano, Raymond Spinella, Joe Maher, Edward Murphy, Matthew Wohl, John Martinez, James Roscher, Unidentified NYPD Supervisors and Officers John and Jane Does; and Unidentified Richard and Mary Roes Federal, State, and/or City law enforcement agents, including one such "Mary Roe," and Unidentified Federal, State, or City law enforcement agent

wearing a light-blue t-shirt (Blue") (collectively, the "City Defendants"), have denied any and all liability arising out of Plaintiffs' allegations; and

WHEREAS, Plaintiffs and the City Defendants now desire to resolve the issues raised in this litigation, including the issue of attorney's fees, without further proceedings and without admitting any fault or liability; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. As to the City Defendants, this action is dismissed with prejudice and without costs, expenses or fees except as provided in paragraph "2" below.

2. The City of New York hereby agrees to pay each Plaintiff in this action TWENTY FIVE THOUSAND DOLLARS, (\$25,000.00), for a total of two hundred thousand dollars, to be allocated amongst Plaintiffs and their lawyers in accordance with their own agreement, in full satisfaction of their claims, including all claims for costs, expenses, attorney's fees and interest.

3. In consideration for the payment of the sum listed in paragraph "2" above, Plaintiffs agree to the dismissal, with prejudice, of all claims against all City Defendants, including The City of New York, the New York City Police Department ("NYPD"), the New York City Department of Corrections ("NYCDOC"), the Hudson River Park Trust ("HRPT"), Connie Fishman, the Republican National Convention Host Committee ("RNCHC"), NYC Mayor Michael Bloomberg, Martin Horn, Jorge Ocasio, Raymond Kelly, Joseph Esposito, Stephen L. Hammerman, Bruce H. Smolka, Thomas Graham, Terrence Monahan, John J. Colgan, The Republican National Committee, David Cohen, James O'Neill, Michael Holmes, Glenn Hudacek, Michael Deckert, The New York City Host Committee 2004, Thomas Doepfner, Kerry Sweet, Ruby Marin-Jordan, NYPD Legal Bureau Supervisors at Pier 57, James Capaldo, Eugene Montchal, Charles DeRienzo, Ronald Mercandetti, John Scolaro, Christopher Ambrose, Daniel Albano, Raymond Spinella, Joe Maher, Edward Murphy, Unknown NYPD bicycle sergeant ("unidentified NYPD bicycle sergeant Blue"),

Matthew Wohl, John Martinez, James Roscher, and the defendants named in the caption as "John and Jane Doe and Richard and Mary Roe," and to release all City Defendants, their successors or assigns; all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, including but not limited to, the New York City Police Department and the NYC Department of Corrections; the Hudson River Park Trust; and the New York City Health and Hospitals Corporation; from any and all liability, claims or rights of action arising from, contained in, or related to the Complaint, Amended Complaint or Second Amended Complaint in this action, which were or could have been alleged by Plaintiffs, including all claims for attorney's fees, expenses, costs and interest.

4. Plaintiffs shall execute and deliver to the City Defendants' attorneys all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraphs "2-3" above and Affidavits of No Liens.

5. Nothing contained herein shall be deemed to be an admission by any of the City Defendants that they have in any manner or way performed the acts or omissions alleged in the Complaint herein or that the City Defendants violated Plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, the New York City Police Department, or the New York City Department of Corrections.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of

the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
December 4, 2008

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Special Assistant Corporation Counsel

SO ORDERED:


HON. RICHARD J. SULLIVAN
U.S.D.J.

2/5/09